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10/799,591

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Jerome Maillard

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EXAMINER

HAMO, PATRICK

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/799,591  
Filing Date: March 15, 2004  
Appellant(s): MAILLARD ET AL.

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Liam McDowell  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9 June 2008 appealing from the Office action mailed 10 January 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,158,979

Couetoux et al.

12-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1, 7-8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Couetoux et al., Pat. No. 6,158,979.

Couetoux discloses a module for cooling a front unit of a motor vehicle comprising a heat exchanger 32 and a ventilation assembly (motor-fan unit 24) for a motor vehicle comprising a fan 28, a support 30 for mounting the fan in a motor vehicle and means 12, 14, 18 for securing the fan to the mounting support, the fan comprising a helix (blades of the fan, an intersection of which is shown in fig. 2) and a motor 26 for driving the helix in rotation, the securing means comprising a collar 14 for the radial clamping of the motor, the securing means further comprising a wedging block (ring support 12, with wedge-shaped arms 18 extending from ring support 12) which is inserted between the motor 26 and the substantially rigid (col. 4, ll. 26-28) collar 14 in order to clamp the motor radially.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 7, 8, 15 and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Couetoux et al., Pat. No. 6,158,979.

Couetoux discloses a module for cooling a front unit of a motor vehicle comprising a heat exchanger 32 and a ventilation assembly (motor-fan unit 24) for a motor vehicle comprising a fan 28, a support 30 for mounting the fan in a motor vehicle and means 12, 14, 18 for securing the fan to the mounting support, the fan comprising a helix (blades of the fan, an intersection of which is shown in fig. 2) and a motor 26 for driving the helix in rotation, the securing means comprising a collar 14 for the radial clamping of the motor, the securing means further comprising a wedging block (ring support 12, with wedge-shaped arms 18 extending from ring support 12) which is inserted between the motor 26 and the substantially rigid (col. 4, ll. 26-28) collar 14 in order to clamp the motor radially.

Couetoux does not explicitly disclose that the collar is integral with the support or a motor vehicle.

However, Couetoux teaches that the outer support (collar) 14 is adapted to be fixed to the body (support) 30 and that the invention concerns “a device for fixing a motor-fan unit to a component of a motor vehicle... in particular to a radiator for cooling a motor vehicle internal combustion engine” (col. 1, ll. 10-13). Using a one-piece structure instead of the affixed collar and support is an obvious matter of engineering design choice and fails to patentably distinguish over the prior art of Couetoux. See MPEP § 2144.04(5)(b). Therefore, it would have been obvious to one having ordinary

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skill in the art at the time of the invention to have mounted the fan-motor unit of Couetoux to a motor vehicle in order to cool its engine.

#### **(10) Response to Argument**

Appellant argues that Couetoux does not disclose a clamp that exerts a radial force on the motor as required to meet the present claims (page 4, lines 17-19 of the appeal brief). The existence of gap 58 between inner support 12 and motor 26 is provided as evidence that this radial force is absent. However, it is noted that the features upon which applicant relies (i.e., the exertion of a radial force between the clamp and the motor) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The appellant seems to be relying on the claimed limitation "securing means comprising a collar **for the radial clamping** of the motor" (claim 1, lines 5-6, emphasis added) in formulating this argument. However, the claim does not require a clamp, particularly not one that exerts a radial force on the motor. The claim only requires that the securing means comprises a collar for the radial clamping of the motor. The examiner has interpreted "radial clamping" as fastening such that movement in the radial direction is inhibited. It is the examiner's opinion that this is within the bounds of the broadest reasonable interpretation which the Office is required to apply to each patent application. See MPEP 2111. Specifically, although Couetoux relies on axial screws to secure the collar 14 to support ring 12, the net effect of the securing means is to support

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the motor, inhibiting movement of the motor in both the axial and radial directions. This, in the examiner's opinion, constitutes a radial clamping of the motor as claimed.

The screws may be interpreted as a clamping mechanism, and the screws fix the motor 26 to the supporting ring or collar 12 through lugs 48 extending from flange 34, flange 34 being formed as part of the motor. In this interpretation, each individual screw axially clamps each lug to a corresponding portion of the support ring, so that the motor is clamped by the collar, and the net effect of the screws is that the motor is clamped in the radial direction.

In an alternative interpretation of the same reference, the screws are again interpreted as clamping mechanisms between the lugs 48 and the collar 12 (the lugs 48 being extensions of flange 34, which Couetoux discloses as part of the motor, the lugs thereby being part of the motor by extension), but instead of noting that each individual screw is axially clamping the flange to the collar, note that the screws are distributed radially at 120 degree intervals, so that again the net effect is that the screws clamp the motor to the collar in the radial direction.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Patrick Hamo, Patent Examiner

25 August 2008

/Patrick Hamo/

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